

Thursday, April 2, 2009

House Meets At...	Votes Predicted At...
9:00 a.m. For Legislative Business Ten "One-minutes" Per Side	Last vote: 7:00 – 8:00 p.m.

**Any anticipated Member absences for votes this week should be reported immediately to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 316 – Rule providing for further consideration of H. Con. Res. 85 – Concurrent Resolution on the Budget for Fiscal Year 2010 (Rep. McGovern–Rules)**: The structured rule provides for further consideration of H.Con.Res. 85. The rule provides that the amendments made in order may be offered only in the order printed in the report from the Committee on Rules accompanying the resolution. These amendments may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 40 minutes each equally divided and controlled by the proponent and an opponent. The rule further provides that the adoption of any amendment in the nature of a substitute shall constitute completion of consideration of the concurrent resolution. Provides that the chair of the Committee on the Budget may offer amendments under section 305 of the Congressional Budget Act to achieve mathematical consistency. Provides that it shall be in order, after adoption of H. Con. Res. 85, for the Speaker to take from the table S. Con. Res. 13 and to consider S. Con. Res. 13 in the House without intervention of any point of order. It shall be in order to move without intervention of any point of order to strike all after the resolving clause of S. Con. Res. 13 and insert in lieu thereof the provisions of H. Con. Res. 85 as passed by the House. If the motion and Senate concurrent resolution are adopted, it shall be in order to move that the House insist on its amendment and request a conference with the Senate. Debate on the rule will be managed by Rep. McGovern, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to VOTE YES.**
  - Vote on adoption of the rule. **Democrats are urged to VOTE YES.**

- **Complete Consideration of H.R. 1256 – Family Smoking Prevention and Tobacco Control Act (Rep. Waxman – Energy & Commerce):**  
Pursuant to the H.Res. 307, consideration will continue as follows:
  - Vote on Republican amendment in the nature of a substitute.
  - Possible debate and vote on Republican motion to recommit the bill.
  - Vote on passage of the bill. **Democrats are urged to VOTE YES.**
  
- **Complete Consideration of H. Con. Res. 85 – Concurrent Resolution on the Budget for Fiscal Year 2010 (Rep. Spratt – Budget):** Pursuant to the rule, consideration of the concurrent resolution will continue as follows:
  - One hour of general debate on the concurrent resolution.
  - 40 minutes of debate and vote on Woolsey Substitute
  - 40 minutes of debate and vote on Jordan/Price (GA/ Substitute
  - 40 minutes of debate and vote on Lee (CA)/Scott (VA) Substitute
  - 40 minutes of debate and vote on Ryan (WI) Substitute
  - Vote on final passage of the concurrent resolution. **Democrats are urged to VOTE YES.**

### **Bill Summary & Key Issues**

#### **SUMMARY OF H.R. 1256 – FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT**

H.R. 1256 amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to grant the Food and Drug Administration (FDA) authority to regulate the advertising, marketing, and manufacturing of tobacco products. H.R. 1256 passed the House in 2008 by a vote of more than three to one, and it has the support of over 1,000 public health, faith, and other organizations from around the country, including the American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, and the Campaign for Tobacco-Free Kids. The legislation:

**Reinstates FDA's 1996 Rule** – H.R. 1256 requires that the FDA's 1996 Rule, restricting tobacco marketing and sales to youth take effect within one year of enactment. The regulation:

- Bans all outdoor tobacco advertising within 1,000 feet of schools and playgrounds;
- Bans all remaining tobacco-brand sponsorships of sports and entertainment events;
- Bans free giveaways of any non-tobacco items with the purchase of a tobacco product;

- Limits to black-and-white text only advertising in publications with significant teen readership, as well as outdoor and point-of sale advertising except in adults-only facilities;
- Restricts vending machines and self-service displays to adult-only facilities; and
- Requires retailers to verify age for all over-the-counter sales and provides for Federal enforcement and penalties against retailers who sell to minors.

**Grants FDA specific authority to restrict tobacco marketing** -- FDA is given authority to develop regulations that restrict on the advertising and promotion of a tobacco product consistent with, and to the full extent permitted by, the first amendment to the Constitution.

**Requires detailed disclosure of tobacco product ingredients** -- Tobacco companies would be required to disclose to the FDA the ingredients in each tobacco product, giving the Agency the information needed to begin reducing the harm caused by tobacco products and educating the public about the health effects of tobacco use.

**Allows FDA to require changes to tobacco products to protect the public health** -- FDA would be granted authority to require changes in current and future tobacco products to protect public health, such as the reduction or elimination of harmful ingredients, additives and constituents, including menthol. FDA would be granted authority to reduce nicotine, but would not be allowed to require the reduction of nicotine in a tobacco product to zero or to ban a class of tobacco products.

**Strictly regulates “reduced harm” products** – H.R. 1256 prohibits the use of descriptors, such as “light”, “mild”, and “low” on labels or in advertising. FDA could review the marketing of such products and determine if the applicant demonstrates that the product, as actually used by consumers, will significantly reduce harm and the risk of tobacco-related diseases to individual tobacco users and benefit the health of the population as a whole – taking into account both users of tobacco products and persons who do not currently use tobacco products.

**Requires larger, more specific health warnings** – H.R. 1256 requires health warnings to cover the top 30% of the front and rear panels of the package and gives FDA the authority to require graphic warning labels that cover 50% of the front and rear panels of the package. The Secretary could revise labeling requirements, including text and format size. The same warning labels would be required in advertising and must comprise 20% of the advertisement’s area.

**Fully funds FDA tobacco activity through a user fee on tobacco manufacturers** -- All tobacco-product-related FDA costs are allocated among the manufacturers of cigarettes, cigarette tobacco, and smokeless tobacco products sold in the United States, based on the manufacturers' respective shares of the entire U.S. market.

## **Amendments to H.R. 1256 – Family Smoking Prevention and Tobacco Control Act**

1. **Part A - Amendment *CONSIDERED AS ADOPTED*** - adds language making clear that the report required by section 907(e) will examine the impact of the use of menthol in cigarettes among children. It makes technical corrections to fully integrate new tobacco provisions contained in the bill into the Federal Food, Drug, and Cosmetic Act. It adds language clarifying application of the bill's provisions to exported tobacco products. It adds language making clear that the Secretary should consult as appropriate with the Departments of Treasury and Justice in carrying out section 301 of the bill. Finally, it strikes Title IV of the bill (relating to TSP and other federal programs).  
*(no debate on this amendment)*
2. **Part B - Buyer Republican substitute amendment** - amendment in the nature of a substitute would create a Tobacco Harm Reduction Center under the Department of HHS to regulate all tobacco products and establishes a regulatory scheme to provide for tobacco prevention, education, and cessation programs  
(30 minutes)

## **SUMMARY OF H. CON. RES. 85 – CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010**

The 2010 Budget Resolution incorporates the four key priorities of the President's budget. It makes strategic investments in education, health care reform, and energy independence that are necessary to restore our crumbling economy and put the country in a position to remain globally competitive. It also takes the needed steps to restore fiscal sustainability by cutting the federal budget deficit by more than half by 2013. The budget provides the fiscal blueprint that will allow Congress to debate and adopt legislation that will reach these goals, but, by its nature, the Budget Resolution does not dictate the specifics of the legislation.

### **Investments for the Future**

**Health Care Reform** — Rising health care costs impose a real burden on families and businesses. The budget supports the President's goals for health care reform to address the related goals of reducing costs, improving quality, and expanding coverage to help the 46 million Americans who now lack health insurance. Like the President's plan, the budget assumes health care reform will be paid for. The budget leaves it to the relevant committees to determine the best way to accomplish that.

**Education** — Congress made significant investments in education earlier this year through the American Recovery and Reinvestment Act, which provided about \$100 billion for the Department of Education, additional funding for Head Start, and a new tax credit to help cover college costs. The budget builds upon those investments with further support for early childhood education, high standards and the tools to achieve them for elementary and secondary school

students, and efforts to help more Americans obtain a college degree. The budget accommodates the President's proposals for new initiatives in early childhood education, effective approaches to making sure all children learn and achieve in school, and continuing to raise the maximum Pell Grant award.

**Energy Independence** — One of the four clear principles in the President's budget is to increase America's energy independence and energy security. Our budget embraces that goal. It builds on significant funding and tax incentives in the American Recovery and Reinvestment Act by increasing our investments in renewable energy and energy efficiency. It also allows for legislation that will promote energy independence over the long term.

## **Reversing the Republican Budget and Economic Legacy**

**Inheriting Deep Deficits and Economic Decline** — The previous Administration left behind a legacy of record budget deficits, soaring debt, and an economy deep in recession. President Obama and the 111th Congress took the first steps needed to restore the country's economic health by enacting the American Recovery and Reinvestment Act. The budget takes the second step by establishing the blueprint for future economic strength.

**Turning the Budget Around** — In 2001, the previous Administration inherited record budget surpluses — \$5.6 trillion projected over ten years — but squandered it all and more, leaving a record deficit of over \$1 trillion for 2009 alone. In contrast, our resolution cuts the deficit in half over four years, so that as the economy recovers the budget can get back on the road to recovery, as well.

## **Restoring Fiscal Sustainability and More Realistic Budgeting**

**Cuts the Deficit in Half** — The President set a firm goal of cutting the budget deficit in half over four years, and this budget does just that. It takes the record deficit that President Obama and the 111th Congress inherited in 2009, and cuts it to \$586 billion in 2013. The budget accomplishes this goal by restraining spending, requiring new initiatives to be paid for, and including investments in oversight and enforcement activities that yield valuable savings and ensure taxpayer dollars are spent wisely.

**More Realistic Deficit Estimates** — Like the President's plan, the budget includes some likely foreseeable costs that have been omitted from past budgets.

- **Overseas military operations** — The budget includes the President's request for 2010 and his placeholder estimates of \$50 billion per year thereafter, marking the first time the budget includes both a full-year estimate for overseas operations for the budget year and funds for future costs, thus providing a more realistic look at the likely costs and their effect on the deficit.
- **Emergency funding** — While we cannot know what emergency needs will occur, we can know that we are likely to face some emergency costs. The budget includes placeholder funding in case of emergencies that is not allocated for spending but is reflected in the budget totals.

### **Quote of the Day**

"We cannot be separated in interest or divided in purpose. We stand together until the end."

— Woodrow Wilson

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